

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Kiamma H. Whitfield

Docket No. 5:12-MJ-1558-1

Petition for Action on Probation

COMES NOW Van R. Freeman, Jr., probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Kiamma H. Whitfield, who, upon an earlier plea of guilty to 18 U.S.C. § 13, assimilating NCGS 20-138.1, Driving While Impaired Level 5 and Driving While Impaired Level 2, was sentenced by the Honorable James E. Gates, U.S. Magistrate Judge, on February 12, 2013, to a 12-month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.
2. The defendant shall obtain a substance abuse assessment from an appropriate mental health facility within thirty (30) days from the date of this judgment and complete any prescribed treatment program. The defendant must pay the assessment fee and any added treatment fees that may be charged by the facility.
3. It is further ordered that the defendant shall participate in any other Alcohol/Drug Rehabilitation and Education program as directed by the U.S. Probation Office.
4. The defendant shall not operate a motor vehicle on the highways of the State of North Carolina until privilege to do so is restored in accordance with law.
5. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.

On February 4, 2014, the court extended the defendant's probation for a period of four months from February 11, 2014, to June 11, 2014. The court extended the probation based on the defendant's struggles to find employment and inability to meet his monetary obligations.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR
CAUSE AS FOLLOWS:**

The defendant has now obtained employment, but reports most of his pay has been going to pay off his back rent payments. He also reports his wife lost her job after he began working. He supports her and three children. He has made only one additional payment of \$25.00 since the last

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report. He still owes \$1190.00 toward his fine. He has been informed he must make monthly payments to show a good faith effort toward paying his fine before an Agreed Order for Payment can be submitted to the court. At this time, we recommend that his supervision be extended an additional three months to allow him to make these regular payments. The defendant signed a Waiver of Hearing agreeing to the proposed extension of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

That the term of supervision be extended an additional 3 months from the expiration date of June 11, 2014 until September 11, 2014.

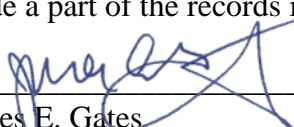
Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Van R. Freeman, Jr.
Van R. Freeman, Jr.
Senior U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: June 6, 2014

ORDER OF COURT

Considered and ordered this 6th day of June, 2014, and ordered filed and made a part of the records in the above case.



James E. Gates
U.S. Magistrate Judge